



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2736-00

2 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 December 1941 at age 18. You then served without incident until 29 October 1943. On that date you received nonjudicial punishment for an unauthorized absence of about 12 hours and use of another serviceman's liberty card.

A general court-martial convened on 16 March 1944 and convicted you of robbery and attempted burglary. The court sentenced you, as mitigated, to reduction to apprentice seaman, forfeiture of all pay and allowances, confinement at hard labor for three years and a dishonorable discharge. While in confinement, it appears that you had several disciplinary infractions. However, the dishonorable discharge was subsequently suspended for a probationary period of 12 months and you were restored to duty on 19 March 1946. On 24 June 1946 you received nonjudicial punishment for two periods of unauthorized absence totaling about 12 hours and disobedience. Accordingly, your probationary period was terminated. The dishonorable discharge was issued on 10 July 1946.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth, limited education, period of good service, and the good character references you submitted. The Board was aware that the Federal Bureau of Investigation has reported that you have no arrest record. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by a general court-martial of a serious offense and your violation of probation. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director